

*Crothers (T. D.)*  
MRS. DR. EMMA BURLEIGH.

The Mysterious Death

OF

MARGARET CAMPBELL

CRITICALLY EXAMINED;

WITH A

REVIEW OF THE TESTIMONY, VERDICT OF THE JURY,  
COMMENTS OF THE PRESS, ETC.

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*"Exitus acta probat."* (Ovid.)

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T. D. CROTHERS, M. D.,

MEMBER OF THE ALBANY COUNTY MEDICAL SOCIETY, THE SARATOGA COUNTY  
MEDICAL SOCIETY, ALBANY INSTITUTE, ETC.

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ALBANY, N. Y.

1872.



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NOTE. — Criminal abortion has assumed unusual prominence within a recent period. Over forty cases, resulting in death, have transpired during the past year. Unprincipled wretches, both men and women, infesting all communities, are covertly practicing this abominable crime ; and of the many deaths which ensue, it is probable that but few come to the knowledge of the public. Every art that the most devilish ingenuity can invent is employed for their concealment, and there are only occasional ripples to indicate the dark current beneath the surface of society. The case of the unfortunate Margaret Campbell is by mere accident brought before the public. It is only a single instance of the terrible evil about us, sustained and supported by men and women who claim position in society. If its exposure shall awaken the public to a just appreciation of this fearful vice, the author's object will be accomplished.

T. D. C.

# THE MYSTERIOUS DEATH OF MARGARET CAMPBELL.

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## THE ABORTIONIST AND HER CHARACTER.

Mrs. McCarty, *alias* Mrs. Virginia Seymour, *alias* Dr. Emma Burleigh, *alias*, etc., has borne a checkered reputation in this city for years. By the police authorities she is considered a shrewd, cunning and unscrupulous woman. The following advertisement, published in some of the daily papers of this city, proclaims boldly her business:

### TO THE LADIES.

Mrs. Burleigh, M. D., offers a safe and effective remedy for all *female irregularities*, of however long standing, without injury to the health of patients. Ladies are provided in a strictly *private* house with the best medical care and nursing. All chronic diseases of the Uterus, Leucorrhea, Prolepsus, etc., permanently cured.

Mrs. B. is not only a graduate of Medicine, but has spent four years in the hospitals of London and Paris, and possesses a knowledge of all French discoveries.

Ladies desirous of availing themselves of the appliances of modern science should consult Mrs. Burleigh, No. 62 Howard street, Albany.

All letters must contain one dollar.

Box 979 P. O., Albany, N. Y.

The history of this woman corresponds with her reputation. Her first public appearance begins as a spy, in male attire, in the Confederate service during the war. Twice she was arrested and incarcerated in the old capitol prison at Washington, but through cunning and intrigue liberated each time. Detected again as a spy, she comes north a fugitive, closely followed by officers, and by resuming the female attire, eludes their vigilance and escapes. After the war she appears in Albany as the mistress of a New York politician. Then as a remarkable witness in a referee case at Utica, she gives, under oath, a startling picture of her life. (See Appendix.) Later she is keeping house on the Troy road alone, and still later she removes to this city, puts up a sign and claims to be an educated physician. Her moneyed relations with fast men, and immoral



men of wealth and position, clearly indicated her business. In 1868 she was indicted by the grand jury for abortion, but was never prosecuted, probably owing to her personal influence and sharp management. Since then Emma Burleigh has been publicly known and recognized as an abortionist, boldly boasting of her patrons and influence with public men of note, and the large fees she receives from them. Secretly she is known to be continually levying black mail on those of her victims who are wealthy. She is frequently seen at the stores of instrument makers and drug stores, buying sounds and catheters by the dozen, hinting significantly about her business, and its success. If questioned about the danger of the business, she proclaims that she can always get physicians to swear that nothing is wrong (see Appendix), mentioning names and instances as confirmatory of her statement. She apparently relied on advertising, hushing the press with her liberality, and appearing conspicuously in public with all the semblance of respectability to deceive the unwary. Such is the general outline of the history and character of Dr. Emma Burleigh, the Albany abortionist.

As a natural sequel of this woman's career, she goes to Utica and attempts to shoot a supposed former paramour of hers. In doing so she kills a relative of this man, and only slightly wounds the man. (See Appendix.)

#### THE PATIENT AND CASE.

The victim of this unfortunate case was Margaret Campbell, born in Troy, and twenty-two years of age. Her history is obscure, but evidently she was not of correct moral habits. She was employed as a waiter at various places in this city, and when not at work boarded out, or lived with her mother, at Troy. In 1870 she became the mistress of Peter B. Mochrie, and continued in this relation up to the time of going to Burleigh's. In the spring and summer of 1871 she was employed as dining-room girl, at the Mansion house, in this city. In July she left the hotel and went to board with the Misses Cleary, on Union street. Mochrie visited her at this place frequently, and, on the 2nd of September, loaned her sixty-five dollars. This money she exhibited to the family, saying she had twenty dollars more, in all, eighty-five dollars. On the same day she went away, telling the family that she was going to the country to visit an uncle. Subsequent testimony revealed the fact that she went directly to Burleigh's that day, assumed the name of Fanny and remained in disguise until her death, September 21st. Nothing more is known until September 21st, when Dr. J. R. Boulware was called to Burleigh's to attend a sick girl, who proved to be Margaret

Campbell. He found her suffering from great pain — distension and tenderness of the abdomen, respiration hurried, and her strength was rapidly failing; ordering anodynes, he returned in the evening and found her dead. Burleigh states that Margaret Campbell was well up to September 19, when she first complained of diarrhoea and pain over the abdomen. The next day she was worse; the pain and tenderness had increased, attended with great thirst. The pain resembled labor pains. Camphor cloths were used over the abdomen, castor oil and Dover's powders given, with ice, to allay the thirst. The following day, the 21st, Dr. J. R. Boulware was called in, but she continued to grow worse until evening, when she died. That evening Burleigh arranged with Dr. J. R. Boulware for an autopsy the next day, to be conducted at her expense.\* The next day Miss Cleary (where Margaret Campbell had boarded previous to going to Burleigh's) received a note from Burleigh, requesting her to call at once. She did so, and was informed that a girl was dead in Burleigh's house, who, from the description, she recognized as Margaret Campbell. Her request to see the body was refused. She was advised by Burleigh to say nothing about it to the girls at the Mansion House (friends of Margaret Campbell), and, furthermore, if asked for information, say she knew nothing of Margaret Campbell's whereabouts, except that she had gone to the country; also to say nothing to Mochrie about it. The same day Mochrie received a note from Burleigh, saying "Fanny is dead," to which he paid no attention.

An autopsy was held that day by Dr. J. R. Boulware and Dr. C. H. Porter. The undertaker was present. The following day, September 23, the neighbors were surprised to see the undertaker's wagon in the back alley of Burleigh's house. An hour after it was driven around to the front door, where a rough coffin was hastily put in, and hurried away with such rapidity that the driver forgot to fasten up the back-board of the wagon. There was no crape on the door, no customary service held, and no certificate of death filed with the City Register; these facts excited grave suspicion of wrong, and the authorities were notified. The body was taken up to the cemetery, and rudely tumbled out for burial in the potter's field. In the evening a certificate was filed with the City Register, signed by Dr. J. R. Boulware, giving the name of Margaret Campbell, and age, with the cause of death from "peritonitis and inflammation of the bowels." The undertaker stated that he was paid \$35 cash, for the burial of this girl. The coroner proceeded to Burleigh's house for information, but could not get in. The *Evening Times* reporter

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\* A month later Dr. J. R. Boulware presented bills for this autopsy, to the Coroner, against the county, which were not allowed.



called but was refused admittance. A reporter for the *Sunday Press* called on Dr. J. R. Boulware that evening. He stated that the girl died from natural causes in no way suspicious of wrong; and that he knew Burleigh and her business, etc. The following day an account of the case and its mystery was published in the morning papers, and excited general interest throughout the city. In the afternoon the coroner, in consultation with the police authorities, personally requested Dr. J. R. Boulware to come and advise with them, as he was familiar with the case. This he refused to do unless summoned by process of law; being a personal friend of the coroner, this course was considered strange and unusual. Further examination of the case caused the coroner to order a second autopsy by Doctors Haskins, Vandever and Lansing, and an inquest at 4 o'clock, the next day, Monday the 25th. Dr. J. R. Boulware was summoned to appear at that time, but failed to do so; for this reason the inquest was adjourned to the next day, and he summoned again. An hour after the appointed time he appeared, and refused to be sworn until after the testimony of the other physicians was taken. This was overruled by the coroner, and he was sworn.

The following is his testimony: — Dr. J. R. Boulware sworn, said: I am a physician and surgeon; am acquainted with Mrs. Burleigh; I was called to attend a female at her house, No. 62 Howard street; she said the female was a servant; I afterward saw the female dead; I think I first called to see the patient last Thursday morning; I found her quite ill in bed; she was suffering severe pain; her abdomen was very much distended; she appeared to be sinking fast; she told me she was suffering severely in the region of the abdomen, the pain being increased by breathing or pressure. Mrs. Burleigh told me how she had treated the patient; she said she had given a dose of oil and a Dover's powder; I advised a discontinuance of cathartics, and a free use of anodyne; I called first shortly after ten o'clock; I did not see her again alive; I called again that evening and was told she was dead. Mrs. Burleigh at that time proposed a post-mortem examination, and it was arranged that I should, with another physician, make a post-mortem examination; Mrs. B. said she wished a post-mortem, as she had many enemies who would gladly take advantage of this affair to injure her character; I told her that I preferred that one or more medical gentlemen should assist me in the examination and that the result should be made public; to all of which she made no objection; I told her she must procure the services of an undertaker, and Mr. Brasure was accordingly sent for; Dr. Porter and myself made the post-mortem at half-past three



o'clock Friday afternoon; Mr Brasure was present and aided us; on opening the body we found the *peritoneum universally inflamed*, and the tissue of the heart fatty and softened; I think death *was caused by peritonitis—general inflammation of the peritoneum*; we found the organs healthy; one of the kidneys was slightly congested; there was fatty degeneration of the walls of the heart; the membranes to which the peritoneum was attached were inflamed; saw no evidence that the uterus had contained a foetus—that is, within the last three or four weeks; saw no evidence that an abortion had been produced within the last three or four weeks; there were indications that the woman had borne a child or children; there was no positive evidence in the uterus that the woman had or had not been pregnant, except that it was larger than usual; there were no indications that a foetus had recently been delivered; a *dozen might have been removed and no evidence remain in the uterus*; we found nothing to indicate disease or that a foetus had recently been contained in the uterus; I think *peritonital inflammation and inflammation of the bowels caused the woman's death*; the breasts were in a normal condition; milk escaped on pressure; there was nothing else unusual for a female of her age; the fact that there was milk in the breasts was some evidence *that the woman had been or was about to become a mother*; she might have had a child and milk be found in the breasts six or twelve months afterward; the presence of milk was some evidence that the uterus had contained a foetus within a month; I cannot give an opinion as to the cause of the peritonitis; I saw nothing from which to draw a conclusion as to what caused peritonitis;\* I cannot say what is the most frequent cause of peritonitis, as there are so many causes—injury to the womb, ulceration of the bowels, blow on the side, etc.; discovered no evidence of diarrhoea in the intestines.

I have attended cases of peritonitis that lasted six or eight weeks and recovered; as a general thing the disease does not last long; I carried away a portion of the body—the uterus and a part of its appendages, the left kidney and a portion of the heart; have none of these parts now in my possession; have destroyed them; I always destroy portions of bodies removed in dissection; *I did not positively know the condition of the womb until the second day after the post-mortem, when Dr. Porter and I dissected it; I knew the condition of the outer part of it when I made the post-mortem; before I removed the uterus (womb) I knew the peritonal portion*

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\* Dr. Boulware has frequently stated, in public, that had there not been personal feelings in this case, Burleigh would have been convicted on his testimony.

was inflamed; I took the uterus home with me for the purpose of dissecting it, that I might know if the substance of the womb was diseased or not, or had been injured; it is sometimes injured in attempts at abortion; peritonitis often commences at the womb, and may stop there; I did not know whether the tissues of the womb were inflamed or not until we dissected it.

Dr. C. H. Porter, who assisted Dr. J. R. Boulware in the autopsy, gave the following testimony:

Dr. Charles H. Porter, sworn, said: I am a physician and surgeon; accompanied Dr. Boulware, and was present at the examination at Mrs. Burleigh's house, on Howard street; I agree with Dr. Boulware in his statement as to the condition in which he found the body and its organs, and also as to what occasioned death; I agree with him in every particular, except that I have no recollection of *seeing any portion of the intestines laid open; the womb was larger than usual; a portion of the peritoneal covering was inflamed; the womb was not inflamed*; there is what is called puerperal peritonitis, resulting from child-birth; peritonitis confined to and originating in the womb sometimes occasions death; abortion can be produced by other than physical means, as the application of physical force by mental and moral causes—by fright, grief, etc.; an abortion can also be produced by drugs, taken into the system in any way; an abortion can be produced by introducing liquids or solids into the womb during pregnancy without the instrument producing mechanical injury to the parts; it is sometimes necessary to produce an abortion in order to save the life of the patient; it is usually done by rupturing the membrane inclosing the foetus by means of a probe or sound; do not think it possible, absolutely, to tell whether a uterus has contained or not contained a foetus three weeks previous to the examination.

Dr. H. R. Haskins, who made the second autopsy, swore to the following:

Dr. Henry R. Haskins, sworn, says: Am a physician and surgeon practicing in this city; been practicing since 1861; at the request of Coroner Harrigan I examined the body of a girl known as Maggie Campbell, at the Rural cemetery; Drs. Vanderveer and Lansing were present with me; we gave the body a most thorough examination; the body was in a good state of preservation; there were no evidences of external injury to the body excepting that a previous post-mortem had been made; the only part that attracted attention was that of the external organs of generation; those parts being *very much swollen and engorged with blood and dilated; in the floor of*



*the vagina was found a laceration or wound occupied by a clot of blood; we then opened the body and found a complete examination had been made so far as relates to a post-mortem; the heart, kidney and liver had been cut into and dissected; one kidney was absent, as well as the uterus and its appendages; that which attracted attention at first was the condition of the blood vessels in and around the pelvis; they seemed to be unusually engorged with blood; we found no evidence of disease sufficient to cause death in any of the viscera remaining in the body; we could not judge of the healthy condition of the organs which had previously been dissected; we discovered no evidences of inflammatory action sufficient to cause death.*

Q. In what condition did you find the peritoneum?

A. We found no evidence of the disease in that part of the peritoneum left in the body; a portion of it had been removed — the womb and its appendages; found no evidence that there had been a diarrhoea; the contents of the bowels were fluid, but that could be caused by a post-mortem change; there was nothing remaining in the body to indicate a diseased peritoneum; a portion of it had been removed, with the uterus, before we made the examination; we took specimens from the body; they were smooth and clear, wanting in those characteristics which show disease; found no evidence of inflammation of the bowels; death might have been caused by a disease of, or injury to, the womb, but not being able to inspect it from the few parts left in the body, we cannot say; we examined the breasts; they were well developed and contained milk; no evidence of recent nursing, or of her having ever nursed a child.

Q. Was the fact that you found milk in the breasts evidence of pregnancy?

A. The evidences of the breasts in this condition were simply evidences that she had been pregnant some time; the external examination disclosed evidence that she had borne a child at some time; there were two evidences about the body going to show that the womb had recently contained a foetus, viz.: the condition of the external organs — the vagina and pelvis — and the vascular or engorged condition of the pelvis; these appearances were evidence of the uterus having contained a foetus a few days prior to her death; these conditions, however, are not positive evidences that the womb did contain a foetus at this time; any thing that would produce inflammation in this immediate neighborhood would cause such an appearance in the parts; in death caused by metro-peritonitis, we should expect to find such a condition of the organs; could not state what

caused the external injury ; it was such an injury as might be caused by the birth of a child ; the post-mortem would not be likely to cause it.

#### TESTIMONY OF DR. LANSING.

Dr. John V. Lansing, sworn, says: Am a practicing physician and surgeon ; heard the testimony of Dr. Haskins ; I participated in the examination of the body of Maggie Campbell and agree with him as to the condition in which we found the body.

#### TESTIMONY OF DR. VANDERVEER.

Dr. Albert Vanderveer, sworn, says: Am a practicing physician and surgeon residing at No. 72 Hudson street ; I took part in the post-mortem examination with Drs. Haskins and Lansing, and agree with Dr. Haskins' statement as to the condition in which we found the body ; there was a woolen cloth over the intestines, which helped to preserve them. The external appearance of the body was healthy except such parts as spoken of by Dr. Haskins ; could not form any opinion of the cause of her death from the appearance of the body.

#### DR. J. R. BOULWARE, RECALLED.

Dr. J. R. Boulware recalled, said: I did not find evidence of injury in the vagina ; discovered no laceration nor abrasion — no wound filled by a clot of blood.

Q. Could you have injured the vagina in your examination of the body at the time of the post-mortem ?

A. In removing the womb there was an opening made, allowing the liquid contents of the body to leak out ; and, in order to stop this leakage, I introduced a wad of woolen blanketing — the woolen cloth that Dr. Vanderveer found ; in introducing this cloth, I may have used sufficient force to have caused a laceration of the mucous membrane — the laceration found by Dr. Haskins. A wound might be made after death and fill with a clot of blood.

When called by Mrs. Burleigh, *I treated her as I would any other stranger who would recommend themselves to me as a physician ; I regarded Mrs. Burleigh as attending the patient ; I disposed of the womb, heart and kidney in the same manner as all doctors usually do ; I never knew any physician to preserve or keep such tissues.*

Q. How did you dissect the womb ?

A. I first divided it longitudinally ; then crosswise or transversely ; and then cut it into slices with a pair of dissecting scissors made



for this purpose ; my object in so dissecting it was to examine every part of the womb, for the purpose of ascertaining if any part of the tissue was diseased.

Prior to this a reporter interviewed Burleigh, who stated that she did not know the true name of Margaret Campbell, or any thing about her, until informed by her friends (the Misses Clearys), after death, with other statements which the subsequent history flatly contradicted. Burleigh swore that Margaret Campbell came to her house to be treated for sore throat, the sequel of typhoid fever. Her history gives no indications that she ever had typhoid fever, or received any treatment for the throat. She also swore that Margaret Campbell had no calls from any one while at her house, that she was not aware of her pregnancy, and that she could not procure an abortion upon herself, without Burleigh knowing it. That Margaret Campbell had only fifty cents on her person at death, with other facts as stated before. Peter B. Mochrie swore that he had criminal connection with Margaret Campbell from February, 1870, to May, 1871, that he continued visiting her until September 2d, when he loaned her \$65, believing she was going on a visit to the country. He knew Burleigh as an abortionist. The Misses Clearys swore that Margaret Campbell, while boarding at their house, took medicine which she said made her sick. She seemed well, and gave no reason for taking medicine. Burleigh seemed very nervous about the publicity of the case. These are the principal facts brought out at the inquest, after which the jury returned a verdict of death from simple peritonitis, and the case ended. The mystery and suspicion of the case was increased, and the public were dissatisfied. (See Appendix.)

In a resume of the case the following facts are prominent and undisputed. Margaret Campbell, mistress to Mochrie, with \$85 in her possession, goes to Burleigh's, a noted abortionist, changes her name and lives in disguise. In three weeks she is taken ill ; dies suddenly, and has only fifty cents in her possession. Burleigh pays for the burial at once ; agrees to pay for the autopsy ; exhibits strange anxiety to conceal the facts from the public, and causes the burial to be conducted in an unusual manner. The autopsy is made by two physicians, who remove particular parts of the body ; certify as to the cause of death, and two days after continue the autopsy on the parts removed, completely destroying them. The second autopsy fails to confirm the cause of death mentioned, and reveals many contradictory facts. The following are some of the inferences which are indicated by the facts mentioned beyond all reasonable doubt :

*First*, Margaret Campbell was pregnant when she went to Burleigh's.

The criminal intimacy of Mochrie, and her leaving a boarding-house, where Mochrie was paying her expenses, to work as a domestic clandestinely at such a house, are suspicious facts. The testimony of Julia Redmond is very significant and almost positive.

Julia Redmond, sworn: I reside at No. 45 Union street; I am married; I have had six children since I was married—fourteen years ago; I know a great many women who have had children; have attended them, and have seen them in all the different stages (of pregnancy); I live in the same house, down stairs, with the Misses Cleary; I recollect the girl Margaret Campbell; I got acquainted with her and talked with her; I saw her in the yard when she was not dressed-up, she having only a morning dress on; she looked like a married woman; looked as though she was in the family way; she had large breasts, and looked large and filled out over the hips; from her appearance I judged that she was between three and four months in the family way; this was after she had been in the house three weeks; I noticed her closely, and became convinced that she was in the family way.

Other parties, not sworn, confirm this testimony of her increased size. One of her friends affirms that Margaret Campbell was in the family way; that she had hinted as much to her several times. The medical testimony agrees that there were certain evidence of recent pregnancy—such as the enlarged uterus, the swollen genitals, the engorged pelvis blood vessels, and the breast developed and full of milk. Here the uterus should have given positive evidence, had it not been removed and destroyed. No facts were brought out that indicate pregnancy at any previous time. Her former good health before going to Burleigh's, with the facts of the autopsy, are not only strong proofs of pregnancy, but entirely unexplainable by any other theory.

2d. An abortion was procured on the person of Margaret Campbell, at the house of Burleigh. Why was Margaret Campbell at Burleigh's house working as a domestic, under an assumed name, and disguised from her friends, with comparatively a large sum of money in her pocket? Why did she deceive her friends by pretending to go to the country, and come directly to this house, unless it was for some distinct purpose, such as abortion? Where is the evidence that Burleigh needed a servant, and what became of the money known to be in Margaret Campbell's possession, and what was the particular object of the autopsy? What motives made Burleigh so liberal in



paying the bills, unless it was to conceal and cover the true cause of death,—abortion? Why does Burleigh make contradictory statements about the history of this girl? Why this haste and secrecy of burial, unless something was wrong? The following testimony, which has appeared since the inquest, answers these questions beyond all doubt.

“Mrs. W. sworn, says she employed Burleigh to cause an abortion upon herself about the 19th or 20th of September, 1871. After the operation she was cautioned by Burleigh against exposure, saying to her that she, Burleigh, had then in her house a girl upon whom she had operated, who had exposed herself and would probably die.” A few days after it appeared that this girl mentioned was no other than Margaret Campbell. The wound found at the second autopsy has a history and significance that cannot be mistaken. Here is a lacerated wound filled with a distinct clot of blood, in the anterior wall of the vagina, to the left of the median line, and how it came is a mystery. The clot, distinct and organized, was essentially ante-mortem, and could not be post-mortem in formation. From its position, the wound could not be caused by a rough dissection of the uterus, or an opening to let out the fluid; the tissue about it was engorged, favoring the idea of ante-mortem origin. The wound was not discovered at the first autopsy. Why it was not, and how far it contributed toward death, is unknown. The swollen genitals and engorged pelvic blood vessels pointed to the uterus for a solution of the mystery. But the uterus was absent and destroyed, leaving us no other inference but that this was a case of abortion. If not it was an extraordinary combination of facts, unparalleled in clinical records.

3d. Margaret Campbell died from puerperal peritonitis, consequent upon abortion.

The history of this case is one of puerperal peritonitis. Taken ill with diarrhoea and pain on Tuesday. On Wednesday worse, pain like labor-pains, bowels tympanitic, with great tenderness and prostration. On Thursday delirium and death. This is not the history of an ordinary case of peritonitis, without any traceable cause. The diarrhoea, pain, distention of the bowels and sudden fatality are symptoms upon which all authorities agree as particularly diagnostic of puerperal peritonitis.\* The second autopsy exhibits no evidence of general peritonitis or inflammation of the bowels. (See testimony.) If this was general peritonitis, why should the

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\*De Costa, p. 446; Wood, pp. 819, 820, vol. 1; Meadows, p. 445, etc.

removal of the uterus and appendages destroy all traces of it? And where is the traceable cause, always seen in a case of a previously healthy girl, terminating so rapidly? It is wanting; so are all the essential facts in the history and pathological appearance of a simple case wanting. The pelvic blood vessels, and condition of the genitals indicate both pregnancy and abortion, and point to a local inflammatory condition of the organs removed. If peritonitis was present it must have been local, or some traces of it would have been seen at the second autopsy. If local, it must have been of a puerperal form, from its history and termination. And if of a puerperal form, it was caused by the removal and delivery of a foetus, for no other condition in a healthy girl will satisfactorily explain it.

Here, as before, the uterus that would determine this fact is absent; although enlarged, this, with the wound in the vagina, are significant of puerperal peritonitis, a natural sequel of the case never seen in any other condition.

4th. The attending physician, Dr. J. R. Boulware, and the assistant at the autopsy, Dr. C. H. Porter, are both gentlemen of reputation and character in this city — men beyond all suspicion of wrong. Now for what reasons have they assumed this unusual position in regard to this case? Both of them practice in the neighborhood of Burleigh, and are aware of her business and character. They knew the facts of the case better than any one except Burleigh, and they knew of the strange burial and excitement of the public mind. No one can doubt their medical ability, to decide on pathological appearances at a post-mortem, and determine the kind of peritonitis which has existed. Both of them are acknowledged medical experts. They appear frequently in courts of law as such, and are familiar with medico-legal laws, and the manner of conducting autopsies. A natural inquiry follows: Why should these men, so thoroughly capable of judging in this case, be in doubt. Looking at the history of the case, we may ask: Why was the autopsy conducted by only two men, when it is customary to have a number present? Why was the uterus not examined at that time when it was found enlarged? Why was the uterus and its appendages carefully removed and carried away? Why was the uterus dissected and destroyed two days after, with full knowledge that it would be required in court the next day, either to disprove or confirm their testimony? Why did not the facts of the second autopsy confirm the certificate of the cause of death? If this was a case of peritonitis alone, why all this mystery? Why this ignor-



ance of causes that the facts indicate? These are mysteries of which we can give no satisfactory solution.

The case may be briefly summed up by two theories. "*Utrum horum mavis accipe.*"

1st. The history of Margaret Campbell, her presence and death at Burleigh's, the attending circumstances, and the facts of the last autopsy, indicate, clearly, death from abortion and previous pregnancy.

2d. The testimony of Drs. Burleigh, Boulware and Porter, simply indicates death from peritonitis, without any antecedent cause, or explanation of the unusual circumstances, or submitting the organs involved as testimony. If the last theory is true, then a combination of coincident circumstances most deplorable and unfortunate, for all parties, have gathered about this case.

#### CONCLUSION.

If the facts mentioned, both positive and circumstantial, in this case are correct, then the true cause of death cannot be mistaken. The guilty parties have escaped only to go on more boldly triumphing over law and justice. But a higher moral law cannot always be trampled on, it will demand a just punishment for these wrongs sooner or later.

107 DOVE STREET, ALBANY.





# APPENDIX.

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## THE VOICE OF THE PRESS.

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The *Medical and Surgical Reporter* of Philadelphia, one of the widest circulated medical journals in the United States, in its issue of October 14, 1871, made the following note of this case: "This unfortunate young woman's history is the same old story of pregnancy, attempted abortion at the hands of the doctress and death.

But position, money and influence, are interested to keep back the truth about her fate. The coroner's jury returned an evasive verdict, which does not touch the point at issue, and the two medical men, regular practitioners, in reputed good standing, apparently aimed to shield the criminal and avert justice. They made the post mortem, and it looks as if they connived to defeat the laws."

The following editorial is from a leading daily paper in this city, on the verdict of the jury in this case:

The verdict of the jury in the case of the girl Maggie Campbell, who died on the 21st inst., at Mrs. Burleigh's, has not given satisfaction. The public expected more than an indorsement of the physician's certificate — either an entire exculpation of the party suspected or the reverse. The verdict, "died of peritonitis," amounts to nothing; what was the cause of the peritonitis was the question which the public expected the jury to answer. Was the disease caused or contracted in the ordinary way, or was it caused by the "appliances of modern science?" It may very well be that "modern science" has progressed much more rapidly than medical science and medical knowledge, and that what years ago could not be accomplished without leaving traces behind, may now be committed so as to defy the keenest medical practitioners to say that it has been done. And this brings us to consider an erroneous impression which prevails, to the effect that a coroner's jury is bound by the medical testimony as to the cause of death. Nothing can be more absurd. For instance, a few years ago a man, in heat of passion, struck another in a saloon in Broadway with his fist, on some part of the neck, and the injured man fell upon the floor and expired. No physician was present when he died nor when he was struck, and a post mortem did not reveal the cause of death. That is, the doctor may have said it was the rupture of a blood vessel, but he could not say what caused the rupture; but those who saw the blow struck knew what caused the rupture and knew what caused death. So in the case of Maggie Campbell, the disease may have been peritonitis, but the doctors do not know what caused it. They were not present when the disease originated, and it

is for the jury to say, from the evidence in the case, what caused it. If it originated naturally, it was their duty to find so; if unnaturally, it was equally their duty to so find, and to ascertain, if possible, *who* caused it. The jury, notwithstanding the mass of testimony taken before them, have failed to unravel the "Howard street mystery," and have signally failed to satisfy the public, and we think the reason is, that they became imbued with the erroneous impression that the medical testimony was conclusive as to the cause of death.

The following editorials from the *Evening Times* on this case are given as clear indications of public opinion.

There are a cloud of circumstances attending the death of Margaret Campbell in the house of Mrs. Dr. Burleigh, which can only be reconciled with the theory that an abortion was committed, and had this tragic affair occurred in New York, about the time of the Rosenzweig and Alice Bowsby case, there is no doubt what the public and the authorities would have done. Is there any reason why there should be greater indifference to this horrible crime here and now?

Justice McNamara, in his elaborate and perfectly impartial and truthful statement printed in the *Evening Times* yesterday, observed, that "the coroner and other officials should receive some praise, at least for having demonstrated *almost* to a certainty that Maggie Campbell came to her death from injuries or disease attending the delivery of a fœtus." Had the examination of the medical witnesses been conducted with a better knowledge of medical science, the demonstration would not have been *almost* but *absolutely* certain.

Dr. Boulware certifies that the woman died of "peritonitis and inflammation of the bowels." Mrs. Burleigh testifies that the fatal attack was ushered in with diarrhœa, and was attended with copious evacuations, for which she administered certain remedies until Dr. Boulware, being called in consultation, overruled her mode of treatment and prescribed anodynes. The three doctors who made the second post-mortem examination testified that the uterus and its appendages had all been removed, and that in the remaining portion of the body they could not find any trace of peritonitis, or of any such inflammation of the bowels as could cause death.

Now, for the purposes of the argument, let us take all these statements to be true; Dr. Boulware told the truth when he certified that the woman died of peritonitis; Mrs. Burleigh told the truth when she testified that the disease was attended with diarrhœa; and Doctors Haskins, Lansing and Vanderveer told the truth when they testified that, on the second examination, there was no trace of peritonitis in the body. Is it not then the inevitable conclusion that the peritonitis must have been limited to the uterus and its appendages? Dr. Boulware says there was peritonitis; Drs. Haskins, Lansing and Vanderveer say there was no peritonitis in the mutilated body; then does it not follow, with absolute certainty, that the peritonitis must have been in those parts which Dr. Boulware removed — that it was not general peritonitis but puerperal peritonitis consequent upon the delivery of a fœtus? There is no mathematical truth capable of clearer demonstration.

It needs no medical learning to see this. But Mrs. Dr. Burleigh has herself supplied a most convincing proof, by her voluntary assertion that the attack from which Margaret Campbell died, and which Dr. Boulware declares to have been peritonitis, was accompanied with diarrhœa. We have taken the trouble to examine several medical books on this subject, and the writers all agree that one of the most marked symptoms of general peritonitis is an obstinate constipation, that this disease paralyzes the bowels and prevents the peristaltic motion. On



the other hand diarrhoea is an equally certain and invariable attendant of puerperal peritonitis. De Costa, than whom there is perhaps no higher medical authority, says, in his great work on "Medical Diagnosis," page 446, that "the bowels are *never* relaxed, except in the puerperal form of the malady."

In view of all the testimony, then, no person can doubt that death in this case was caused by *puerperal* peritonitis. It is demonstrated as certainly as that two and two make four. It cannot be questioned. And this death, from such a cause, occurred in the house of a notorious abortionist, in the city of Albany.

Coroner Harrigan has tried to do his duty to the best of his ability, but he could hardly be expected to cope with all the art and cunning employed in the endeavor to suppress the development of truth in such a case.

With all the good intent which we are willing to attribute to Coroner Harrigan, it is impossible to ignore the fact that the inquest into the cause of the death of Margaret Campbell has not been conducted in such a manner as to satisfy the public mind. The verdict of the coroner's jury is evasive, and does not touch the point at issue; but, since the publication of the testimony, public opinion is rapidly settling upon a conclusion that will imperatively demand from the district attorney such an investigation into this dreadful affair as can only be had before a higher court, with the assistance of able counsel on both sides. When we first called attention to the publication, in ostensibly respectable papers, of the advertisement of a notorious abortionist, inviting victims to come into her "strictly private house," to "avail themselves of the appliances of modern science"—that being the euphonious phrase under which the real nature of her infamous business is veiled—we hardly expected to have so speedy an illustration of the horrible truth. But it has come, and, revolting as all the details are, it is absolutely necessary for an independent press to publish them to the world fearlessly, and thus bring this nefarious business before the bar of public opinion. The evidence already published is more than enough to justify all that we have said on this subject. But we have every reason to believe that had the doctors who made the second post-mortem examination been examined by an able lawyer, who knew how to elicit all the evidence, the truth would have been made clearer. These gentlemen seem to have limited themselves strictly to answering such questions as were put to them, under the apprehension, perhaps, that if they seemed to volunteer testimony it might be attributed to professional jealousy or other unworthy motives, but we are convinced that if thoroughly and properly interrogated, their responses would have demonstrated much that is now only left to inference.

We invite the attention of the district attorney to the letter from Justice McNamara, and to the various communications from other correspondents printed in the *Evening Times* to-day. These letters show the public sentiment, and will demonstrate to Mr. Peckham the necessity of taking this case before the grand jury, and bringing it, before a competent court for a full, thorough and satisfactory legal examination. Nothing short of this will meet the just expectations of the people. It is not only due to the administration of public justice, but it is due to the physicians who made the first post-mortem examination that they may be vindicated, if it is possible to vindicate them, from all suspicion of having connived at the attempt to conceal the evidences of Mrs. Dr. Burleigh's treatment of the unfortunate woman that perished in her house.

The following letter from Police Justice McNamara, who conducted the examination for the people at the inquest, is the opinion of an accomplished lawyer and judge:

My attention has been called to an article with the above head in italic caps, and a hanging paragraph in full face type, containing the following: "The Howard Street Mystery Investigation — Doctors, Magistrates and Detectives Mixed Up — A Great Oversight" — published in to-day's *Knickerbocker*. The article charges that the investigation was made "to impeach the statements made by Drs. Porter and Boulware, and to unnecessarily impose an uncalled-for expense on the county," and, after making other charges which will be noticed, concludes as follows: "Therefore, we think the coroner and other officials engaged in working up the case have overstepped the bounds of propriety when they ignored the post-mortem examination of the above gentleman — the only ones who could possibly know any thing about the affair." Now, I purpose to give to the public a few facts, in order that the "coroner and other officials" may not be driven from the city for presuming to question the allegation that Maggie Campbell died of natural causes, and for doubting, for one moment, that Drs. Boulware and Porter were the "only ones who could possibly know any thing about the affair."

On Sunday afternoon about 1½ o'clock, while in company with two friends, I was met by Detective Brennan, who informed me that Captain Hale wished to see me at headquarters. I repaired thither as soon as I could conveniently, arriving there about 2 o'clock. I found Chief Maloy, Captain Hale, Coroner Harrigan, Captain Hagadorn, and others of the police force, awaiting my arrival. Captain Hale briefly stated that he desired a warrant for persons suspected of having committed an abortion which caused the death of Maggie Campbell, and then stated what facts were known to him, and which were afterward proven on the investigation. I stated that I had seen an article in the *Sunday Press* to the effect that Dr. Boulware had certified that Maggie Campbell had died from natural causes — inflammation of the bowels and peritonitis — and that I would not issue a warrant unless he was sworn before me. Captain Hale immediately requested Detective Malone to go to Dr. Boulware's office and request him to come to the police court; but Coroner Harrigan hearing the request volunteered to go for Dr. Boulware, as he was acquainted with him, and felt that he would come at once. During the time the coroner was absent Captain Hale again stated all the facts within his knowledge and exhibited to me the letters of Mochrie. Coroner Harrigan, after having been absent for over half an hour, returned and stated that Dr. Boulware refused to come unless subpoenaed, for the reason that the public would think he desired to screen an abortionist if he voluntarily appeared at the police court on Sunday to make an affidavit in the matter! I declined to issue a subpoena for him, on the ground that I could not issue a subpoena requiring the attendance of a witness on Sunday, and could not therefore compel his attendance in case of a refusal to appear. Coroner Harrigan then proposed another post-mortem examination. I opposed it for reasons which subsequently proved to be correct; but favored an inquest as best calculated to bring out all the facts and arrive at the truth.

We separated then and I heard nothing more of the case until I was informed at 4 o'clock Monday afternoon, that another post-mortem examination had been made and a jury summoned. I was requested by Capt. Hale to be present at the examination of witnesses in the evening. I know that Dr. Boulware was subpoenaed, because the affidavit of service was made before me by Detective Brennan. The coroner waited an hour after the appointed time for Dr. Boulware to appear, but he failed to attend and Mrs. Burleigh was examined. The inquest was then adjourned until Tuesday afternoon. The coroner again waited for Dr. Boulware, and he finally arrived an hour after the time appointed for the commencement of the examination, and suggested to the coroner that he did not



desire to be examined until after the examination of the physicians who had made the second post-mortem; but the coroner insisted upon examining him first, and then Dr. Porter. The examination of witnesses was continued from time to time, and finally concluded Wednesday evening.

The foregoing are the facts so far as I was concerned, and I think so far as the chief of police and Captain Hale were concerned there was no intention to ignore Drs. Boulware and Porter, or the fact that the police authorities had a duty to perform in relation to the "Howard street mystery." How well that duty was performed a few additional facts developed upon the inquest will testify. It was proven positively that the deceased had had criminal intercourse with Mochrie from February, 1870, to May, 1871; and beyond a reasonable doubt, that she was pregnant on the day she entered Mrs. Burleigh's house. It was proven positively that a few hours before she entered Mrs. Burleigh's house she had in her possession at least \$60, given to her by Mochrie. That she went to Mrs. Burleigh's on Saturday afternoon, September 2, and assumed the name of Fanny. That although she had said to the Misses Clearey and Mochrie, that she was going to visit some friends in the country, she yielded to the entreaties of Mrs. B. and agreed to work for her at \$12 per month. That she remained there until Tuesday evening, September 19, when she was put to bed by Dr. Burleigh, and that she saw no one from that time until she expired on Thursday evening, September 21, except Drs. Boulware and Burleigh. That the body remained in the room where she died, in the building No. 62 Howard street, without receiving any attention, from Thursday evening until Friday afternoon, at which time a post-mortem examination was made by Drs. Boulware and Porter who removed the uterus and its appendages for dissection. That all the money deceased had at the time of her death, according to Burleigh's testimony, was a two-cent piece! That Dr. Boulware kept the uterus until Sunday morning, and then in the presence of Dr. Porter dissected it, cut it in small pieces and destroyed them, so that it was impossible to present a piece for inspection.

On the examination, Drs. Boulware and Porter testified that the peritoneum was inflamed, and that deceased died of peritonitis. Drs. Haskins, Lansing and Vanderveer testified that the part of the peritoneum left in the body was not inflamed, but was clear and in a natural state, and that there was no evidence of peritonitis. Dr. Haskins testified there was some evidence of a fœtus having been in the uterus. Drs. Boulware and Porter testified that it was impossible to tell from an examination of the uterus whether or not it had contained a fœtus three weeks prior to the examination. That they were unable to tell what caused the peritonitis. Dr. Burleigh testified that deceased had a diarrhœa, and Drs. Boulware, Porter, Haskins, Lansing and Vanderveer agree in saying that there was no evidence of diarrhœa. No fœtus was found in the uterus.

It was also proven satisfactorily that Dr. Burleigh stated to Miss Clearly that she had better not say any thing to the friends of Maggie about her death! That it was best not to speak of it to them! That if they inquired, to say that the last she knew of her was that she left to go into the country and nothing had been heard of her since.

And I think that the "coroner and other officials," instead of being censured, should receive some praise, at least, for having demonstrated almost to a certainty that Maggie Campbell came to her death from injuries or disease attending the delivering of a fœtus. Neither Drs. Boulware or Porter could tell what caused the inflammation of the peritoneum, but the evidence points clearly to one cause only—the premature birth of a child. That fact will account for the falsehood told by deceased about going into the country; for the assumed name; for the

absence of the \$60 or \$80 ; for her presence at Burleigh's ; for the peritonitis ; for the caution of Burleigh in procuring a post-mortem when it was apparently unnecessary ; for the desire of Burleigh to conceal her death from her friends, and for the unusual liberality displayed by Burleigh in paying all the expenses connected with the post-mortem and burial.

Yours,

JOHN W. McNAMARA,

*Police Justice.*

The following appeared in one of the daily papers as a news item :

It is well known that Mrs. Dr. Burleigh is an abortionist ; and it can be proved by a conversation which she not long since had with a well-known citizen, who inquired if she was not afraid of being caught. "No," replied Mrs. Burleigh, "that would help to advertise my business; besides that, I could readily get out of it by arranging matters so that nothing could be sworn to — as nothing could be proved which is not seen. All I would have to do would be to get two good physicians to give me certificates that death came from natural causes." It may not, perhaps, be known that the term "natural causes," refers to mis carriage with out abortion.

The following is the last sad drama in Burleigh's life :

UTICA, Jan. 17. — Milton H. Thompson, of this city, was this afternoon shot through the nose and cheek, and H. H. Hall, a coal dealer of Ogdensburg, was shot in the head and instantly killed by a woman giving the name of McCarty, from Albany. The woman McCarty got on a street car somewhere near the head of Genesee street. Thompson, and Hall who was a relative, got on the car at Thompson's residence. Some words passed between Mrs. McCarty and Thompson, when the woman drew a revolver and shot at Thompson. The ball passed through his face and struck Hall in the head. The latter sprang from his seat and fell dead on the bottom of the car. Thompson's wound is not considered dangerous. The woman is under arrest. Among her effects *was found a bunch of wire, the various threads of which were covered with blood.* This instrument is in the possession of the authorities, and is supposed to have been one of those most used in the practice of her terrible business.

Mrs. McCarty is Mrs. Burleigh, the female physician of this city. At different times she assumes different names. The cause of the difficulty between her and Mr. Thompson, whom she intended to kill, is stated as follows : She alleges that a few years since she met him on one of the night boats, on her way to New York, and that he induced her to occupy a state room with him. The result of their intercourse, she claims, was a daughter, now living. Since she first met Thompson it is charged she continually compelled him to furnish her money, and finally secured from him the house on Howard street, near the Hospital, which she has occupied the past three or four years. Suddenly, Thompson refused to continue his contributions, whereupon she informed his family of her relations with him. Thereupon he, by some legal proceedings, through a third party, dispossessed the woman, and turned her and her family out. Enraged at the treatment she received, she undoubtedly determined upon revenge, and accordingly proceeded to Utica, where she committed the desperate deed, as above stated.

The following selections from the press are confirmatory of her history :

Mrs. Dr. Burleigh, murderess of Mr. Hall, is well known in this city, where she has resided for seven or eight years. In 1862 or '63 she was a kept mistress of a noted political leader of this State, and lived in elegant style, *a la* Mansfield,



at one of the principal hotels of this city. The legislation of these years is supposed, and is generally conceded, to have been largely influenced by this woman, who was very intimate with many of the leading politicians, her parlors at the hotel being the resort of many prominent men.

After this she was known as "Mrs. McCarty" at Greenbush, where she was living in a quiet and mysterious manner, none of the neighbors knowing any thing about her or her business, other than that "many ladies visited her house after dark."

When next heard of she was at the extreme western end of Clinton avenue, where she occupied a house in a lonely position, and where she was kept busy at her nefarious practice. While living at this place she assumed the name of "Mrs. Virginia Seymour, from Richmond, Va." Her business was conducted so secretly that no hold could be obtained on her, though her terrible avocation was well known to the police.

Business prospering with her, she removed to the west side of Broadway, a few doors above Clinton avenue, into a retired-looking house, before the door of which grew three large elms, whose dense foliage in summer time, and the tightly closed blinds of the dwelling, concealed from the passer-by all traces of the crime daily committed inside the house.

An excellent woman, who, on one occasion, remonstrated with Mrs. Burleigh for the terrible life she was leading, and of the danger she was continually running of killing some poor unfortunate. To this the doctress replied: "I have no fear; for, should any thing occur, I can send for two doctors and a coroner, and on their testimony can have the matter closed up at once."

We next hear of her at No. 62 Howard street, where she has apparently done a profitable and thriving business, no doubt sending many a poor unfortunate female to her final home, as in the case of Maggie Campbell; for, despite the testimony to the contrary, the public believe the woman Campbell came to her death by an abortion performed by "Mrs. Dr. Burleigh"—the name the doctress assumed by removing to Howard street. At this place she won her great reputation as a successful abortionist, and her house was known throughout the land.

The following from a sworn affidavit in a referee case taken at Utica, October, 1866, affords us additional glimpses of Burleigh's life by herself under oath:

\* \* \* I crossed to Europe in the Margaret Evans, Capt. Pratt; I had trouble with my husband about this Capt. Pratt; I had been riding out with Mr. Pratt and another gentleman; he had a collision with Pratt at the hack; he did not charge me with sleeping with Capt. Pratt; I wrote letters to Pratt; Pratt occupied a room opposite mine on the steamer across the Atlantic; there was a door between our rooms; McCarty took the children and I have never been married since.

I have three children now besides the McCarty children; I obtained a decree of divorce from Mr. McCarty, and took my own maiden name of Fagan; I passed by the name of Seymour at the time the papers in the suit were served upon me; I advertised by the name of Burleigh in St. Louis; I decline to answer whose the three children which I now have are. \* \* \* \* \* I had trouble with my mother after I returned from Europe in 1853, and it was about rent; my mother procured my arrest for larceny before Esquire Farnham; she has also arrested me for assault and battery; she has also sworn the peace against me once, and that is what I mean by my last answer; I was indicted in Madison county, and arrested in Oneida county upon that indictment; that was for larceny, and I was indicted, with a young Irishman who lived with me, for stealing oats.







